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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,683	10/16/2003	Alison Salyer Bagwell	16267	7663

23556 7590 09/28/2007
KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

PARVINI, PEGAH

ART UNIT	PAPER NUMBER
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1755

MAIL DATE	DELIVERY MODE
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09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,683	Applicant(s) BAGWELL ET AL.	
	Examiner Pegah Parvini	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040322, 20050722</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-21, in the reply filed on July 17, 2007 is acknowledged. Although the applicants did not point out whether the election was made with or without traverse, because the applicants did not distinctly and specifically point out any supposed error in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a))

The requirement is still deemed proper and is therefore made FINAL.

Double Patenting

2. Claim 13 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 3. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication No. 2002/0083867 to Lye et al.

5. Regarding claim 1, Lye et al. teach a water-based ink jet ink containing N-methylmorpholine-N-oxide (NMMO) as a solvent along with other components and additives such as dye, and sequestering agent, in which the ink jet ink is used for printing textiles ([0008], and [0010]). The reference, also, disclose that said ink jet ink maintain the stability of the ink for a longer shelf life and produce prints with visually brighter color ([0008]).

The reference does not expressly disclose that the coating or solution is “for treating a substrate prior to printing and for enhancing image visualization and retention of ink jet inks”; however, this is statement of intended use. With regard to statement of intended use, MPEP § 2111.02 states:

During examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative difference) between the claimed invention and the prior art. If so, the recitation serves to limit the claim. See, e.g., *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over US Patent Application Publication No. 2002/0081421 to Bagwell et al. in view of Lye et al.

8. Regarding claims 2, 17 and 19, Bagwell et al. teach an aqueous coating formulation for treating textile substrates for ink jet printing containing solids, for enhancing image visualization and retention of acid dye based inks which includes a cationic polymer or copolymer, a fabric softener, urea, ammonium salts of multifunctional weak acids, sodium bicarbonate or sodium carbonate and more (Abstract; [0001], [0011], [0015], [0016], [0017], [0028], [0084], and [0086]).

Bagwell et al. is silent to the use of NMMO in the disclosed coating formulation.

Lye et al. disclose the use of NMMO in a water-based ink used in textile printing along with other additives such as dye and sequestering agent such as EDTA.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Bagwell et al. in order to include NMMO as that taught by Lye et al. motivated by the fact that Lye et al., specifically, disclose that the use of NMMO solvent allows large amount of dye to be used in the ink without affecting the ink jetting properties and while maintaining the stability of the ink for a longer shelf life and which results in producing prints with visually brighter color ([0008]). Furthermore, Bagwell et al. disclose that printed image and adhesion properties and/or colorfastness of acid and reactive ink jet ink formulations when applied to a variety of ink jet printable substrates,

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can be improved by treating the substrates with cationic polymer coating formulations used in conjunction with imbibing solutions containing urea, ammonium salts and more ([0011]).

9. Regarding claims 3 and 13, Bagwell et al. disclose the use of urea for reactive dye based inks in ink jet ink printing formulations ([0011], [0084], [0091], and [0095]).

10. Regarding claims 4 and 5, Lye et al. disclose the use of an amount of 0.5 to 20 percent by weight of NMMO solvent ([0010]).

11. Regarding claims 6 and 7, Bagwell et al. teach the use of about 5-95% by weight of cationic polymers or copolymers in said ink jet ink formulation ([0011], [0018], and [0025]).

12. Regarding claims 8 and 9, Bagwell et al. disclose the use of 5-20% by weight of fabric softener in the ink jet ink formulation ([0011], and [0018]).

13. Regarding claims 10 and 11, Bagwell et al. disclose the use of polymeric latex binder in an amount of 0-80% depending on the textile fabric substrate ([0018], and [0019]).

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14. Regarding claim 12, Bagwell et al. disclose that the total solids content of the formulation is typically between 5-50% ([0020]).

15. Regarding claims 14 and 15, Bagwell et al. disclose that urea is present in the imbibing/coating solution in an amount between about 5 and 12 percent of the total solids ([0084]).

16. Regarding claim 16, Lye et al. disclose the use of sequestering agent such as EDTA to sequester metal ions that could become involved in chemical reactions that could spoil the ink over time ([0011], [0026], and [0027]).

17. Regarding claim 18, Bagwell et al. disclose that sodium bicarbonate, sodium carbonate, or a combination of them is present in the ink jet ink formulation in an amount of about 3 to 10 percent ([0084]).

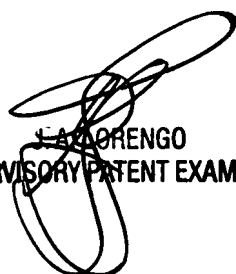
18. Regarding claims 20 and 21, Bagwell et al. disclose that the aqueous imbibing/coating solution contains ammonium sulfate in an amount between about 5 and 10 percent of the total solids ([0086]). In addition, Bagwell et al. disclose the use of coating solutions containing ammonium oxalate and ammonium tartrate ([0011]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pegah Parvini whose telephone number is 571-272-2639. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PP


J. LORENGO
SUPERVISORY PATENT EXAMINER